Ukraine, language policies and liberalism: a mixed second act

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Abstract

This article analyses Ukraine's language policies from 2002 to 2022 within a framework of liberalism, while avoiding making normative judgements or recommendations, updating the discussion raised in Kymlicka and Opalski's *Can Liberal Pluralism be Exported?* The analysis takes into consideration Ukraine's present and historic position, including the challenge that postcolonial nation building can pose for achieving liberalism and linguistic justice. The paper focuses on three main areas of language policy: education, businesses and media, and assesses if they can be described as liberal orthodox, pluralist or illiberal. The article begins by defining liberalism and illiberalism, discussing the context of Ukraine's linguistic diversity and postcolonial context, before outlining the language situation until EuroMaidan. Then, the main issue of language policy in the areas of education, business and media is analysed, before considering whether Ukrainian language laws might be considered liberal or illiberal. Finally, potential future trajectories are outlined.

Introduction

This article analyses Ukraine's language policies from 2002 to 2022 within a framework of liberalism. This updates the discussion within *Can Liberal Pluralism Be Exported*? (Kymlicka and Opalski 2002a). Specifically, it builds on Fesenko's (2002) analysis that argued Ukraine was pursuing a mix of liberal and illiberal policies, updating the discussion until Russia's full-scale invasion in 2022. However, it does not

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make normative judgements or recommendations, the focus is squarely on updating the analysis of empirical evidence through the framework of liberalism. There has indeed been a mix of different approaches, including liberal pluralist, liberal orthodox, and somewhat illiberal. We also recognise the difficulty of operating within a country not only amid an existential conflict but also within a cultural postcolonial struggle. Ukraine's attempts, past, present and future, to assert its identity and culture within the postcolonial context are fundamental to ensuring a democratic and stable national culture; however, as we illustrate throughout this paper, this has resulted in policies that restrict individual choice and linguistic pluralism, which in some instances, we argue, can be understood as illiberal. The tension, or apparent tension, between postcolonial nation-building and liberal pluralism is central to understanding Ukraine's language policies from 2002 to 2022 within a liberal framework. This tension arises from the perceived liberal justification, driven by the desire to disentangle from Russia and establish a shared society and political culture. However, this seemingly liberal intent can lead to a non-liberal outcome, critiquing the idea of liberal neutrality. This criticism focuses on the intent or justification appealing to all citizens, rather than an outcome that benefits all equally (Patten 2012, p. 255). While we do not delve into the debate around neutrality, the limits of this kind of policy within the context of liberalism remain a crucial issue.

For Fesenko, the illiberal policies were warranted by a desire to distance Ukraine from the Russian identity and establish itself as independent, what he calls "Russia Syndrome" (Fesenko 2002, p. 286). He discusses the dichotomy between ethnic nationalism, which promotes an ethnic Ukrainian state, and civic nationalism, which proposes a civilly homogeneous but ethnically and linguistically pluralistic state. At the time of his writing, there was no war in Ukraine, Crimea was an autonomous republic within Ukraine and had not been annexed by Russia, and many changes to language policy were yet to be enacted. By updating the discussion, we contribute to discussions of linguistic justice, especially in the Ukrainian context, where they are especially pressing matters.

We may more accurately describe what Fesenko calls "Russian syndrome" as a desire for postcolonial nation building, although it is not necessarily the case that this is inherently illiberal. The major issue is the tension between attempting to develop a state, as well as political and civic culture including a national language within the postcolonial context, which conflicts with the necessity to respect pluralism and minority rights. This struggle is far from unique to Ukraine; although the need to balance these demands is fundamental to Ukraine's present and future security and stability, in part due to the demands of the European Union for Ukraine's ascension explicitly relating to minority languages.

Given the multitude of changes within Ukraine, its EU candidate status, and the obvious security threats from Russia's invasion, this debate is timely. Obstacles to EU candidacy can be found within the discussion of minority language groups. While often propaganda has created a narrative of oppressed Russian speakers, this has shaped the debate to ignore other minority languages, which we specifically aim to focus on. We accept there are advantages to a liberal pluralist approach, although we recognise that a national language can be a valuable tool, especially within the context of a postcolonial nation such as Ukraine.

Liberalism and illiberalism defined

To define the terms used in this article, liberalism can be understood as a political system that protects individual freedoms, and analyses society through an individual lens (Gaus 2004, p. 3). In the Eastern-European context, this demands pluralism and democratisation (Kymlicka and Opalski 2002b, p. 3). Illiberalism, conversely, does not aim to promote individual freedoms and may elevate the state, a particular group, religion or culture, above individuals (Gaus 2004). There are aspects such as state neutrality (Chen 1998), broadly understood as not preferring any conception of the good life or life plan, which may incorporate a particular ethical worldview or pursuits. Consequently, the state cannot enact policies that favor, for example, atheists or one religious group over others, as it is not acceptable to all. This affects stances regarding linguistic matters, although it is not shared amongst all liberals. We accept that liberalism demands the state wield power in a way acceptable to most reasonable citizens with a multitude of different ideas about the good life, even if we do not intend to define all features of state neutrality, as it is a lengthy debate in and of itself.

There are significant divides within liberalism, and in the linguistic context we can understand whether or not assimilation, integration or pluralism best upholds liberalism. One liberal view could simply demand the state completely absolves itself from any linguistic law, to be neutral towards all languages, as Walzer (1992) believes when claiming liberalism demands a divorce of state and ethnicity. A different liberal view could require intervention to actively accommodate minority languages (Stilz 2009). Another liberal view may wish to assimilate cultures into a wider liberal culture, to ensure cohesion and prevent separatism (Barry 2002). Fesenko (2002) refers to Ukraine, as of writing in 2002, as having a mix of liberal and illiberal policies. In this context, liberalism is meant as liberal pluralism, as opposed to a more "orthodox liberal" view. It is crucial to define these positions.

Following the literature, the approach taken here, reflected in Table 1, is that if a policy is sensitive to minority claims and provides accommodation and recognition, then it can be said to be liberal pluralist, and these policies can be referred to as more liberal, per Opalski's definition in *Can Liberalism Be Exported* (Kymlicka and Opalski 2002b). The pluralist view holds that the state should regulate ethnic diversity in order to better facilitate their rights and accommodate minorities (Kymlicka and Opalski 2002a, p. 286). This view is more in line with civic nationalists, such

Table 1 Liberal–Illiberal Matrix

Extreme Illiberal Ethno-homogeneous	Moderate Illiberal Nationalism	Liberal Orthodox	Liberal Pluralism
National language and culture	National language	National language	Recognition of minority and second languages
Coercive regulation of language	Non-recognition of minority languages	Recognition of minority language	Accommodation of minority and second languages
No minority languages		Promotion of national language	Protection of minority languages

as Stilz (2009), who argues that accommodation towards minority groups, and state action, are fundamentally liberal positions and in keeping with liberal conceptions of neutrality, for example.

If a policy rejects this approach, it may be liberal but orthodox, as in it does not wish to interfere on liberal grounds. The orthodox view, according to Opalski (Kymlicka and Opalski 2002b, p. 1), relegated matters of ethnic and identity claims to the private sphere. This is a kind of ethno-neutrality, which promotes a neutral state and can be understood as rejecting the involvement in minority-ethnic claims, so as not to undermine the neutrality of the state. This position is held by Barry (2002), who, while a liberal and civic nationalist, believes that the state language should take precedence over minority ones, to foster a broader civic nationalist and liberal culture over minorities. This indicates that there are liberal positions that can support different outcomes.

To summarise this typology, there are four positions. Within liberalism, there are orthodox and pluralist positions, the latter going further with recognition and accommodation, and within illiberalism there is an extreme illiberal ethno-homogeneous stance, which coerces minority languages and advocates ethno-nationalism, and moderate illiberal nationalism, which does not directly coerce minorities but may deny services or undermine minority languages' viability. The goal of this paper is to assess how different policies align and assess the strengths and weaknesses of such approaches.

A policy could be illiberal, in that it wishes to impose a particular doctrine or identity onto the minority persons of the nation, which is the least liberal position. The matter is not binary, but it can be understood that the less regulation of individual behaviours, the more liberal the approach is, hence liberal pluralist approaches are the best for this, as they allow for minority languages to be protected. There are more extreme illiberal positions, which forbid and coerce non-national languages in public or even private spheres, or more moderate forms of illiberalism, which may not coerce minority languages as directly, while intentionally providing little support to recognise or accommodate them.

There is no suggestion that ensuring some regulation of language is inherently illiberal, as a national language can foster a culture of social solidarity and unity, as promoted by some liberal civic nationalists (Stilz 2009). The communitarian position, for example (Walzer 2008), is criticised on the basis that by focusing on group identity and society prior to the individual, it can promote a more illiberal culture by protecting minority-group rights over individual rights, and promoting stronger conservative traditions, over a broad liberal protection of rights (Barry 2002, p. 327). A national language, and culture, can promote a liberal culture overall; however, it must be done in a pluralist manner with sensitivity to groups and minority cultures, rather than enforcing a language onto others with disregard for their culture or language's use in the public sphere.

While some may critique liberalism, neutrality, pluralism and other concepts, to understand the broader questions affecting civic nationalism, neutrality and liberalism, categorising policies can enhance this discussion. The main goal of this article is to apply the framework of liberalism, in order to categorise the approaches that Ukraine has undertaken in the period of 2002 to February 2022. In turn, this paper

indirectly contributes to the issue of what sort of approach liberalising nations, such as Ukraine, should adopt.

It is important to note that Ukraine, unlike former colonial and imperial powers, such as the UK, USA, Russia, France, etc., which enforced its language abroad and at home on those who migrated, is undergoing a decolonialisation process, and the culture in Ukraine, disentangling itself from Russian language and culture, has been characterised as postcolonial (Svyrydenko 2019). The promotion of its language, compared to that of promoting English in the USA, Canada, or the UK, can be reasonably justified on more liberal grounds. In English-speaking countries, the English language has never been persecuted. In Ukraine, there were multiple periods of Russification, and the dominance of the Russian language has been prominent, at the expense of Ukrainian (Kulyk 2018). Promoting the Ukrainian language is a matter of self-determination and nation-building after the marginalisation of said language (and culture), rather than promoting the language of an imperial core, which often aimed at erasing multilingualism.

To clarify, the postcolonial context may justify seemingly illiberal policies more than in other nations. This is because the justification is fundamentally liberal, aiming at developing a shared political, democratic, and unified culture distinct from its colonial oppressor. Additionally, individuals may voluntarily support policies that seemingly go against their own interests (Ivison 2002, p. 18). In the case at hand, Ukrainian citizens, at a cost to themselves, may voluntarily and democratically support the promotion of Ukrainian in a way that could be considered illiberal. However, there are nonetheless limits that we must understand.

This demand to promote Ukrainian is compatible with liberal demands; however, it still may encounter issues regarding minorities within Ukraine. A minority-language speaker, who lacks Ukrainian abilities, may feel opposed to Ukrainian language laws if they deny them services or coerce them to speak Ukrainian, even if the goal of promoting Ukrainian is both liberal and reasonable in a postcolonial context. This illustrates the difficulty for Ukraine and postcolonial liberal democracy building within multilingual countries. In addition, a political act may restrict choice, and be considered illiberal in outcome, while being justified on liberal grounds. For example, restricting hate speech may restrict activity, but is justifiable on liberal grounds. Nonetheless, the legal acts of coercion in relation to language may still be characterised as illiberal to some extent, and our goal is identifying how these laws can be categorised.

There are valid concerns arising from this postcolonial nation-building, not in regard to promoting Ukrainian over Russian, which is a language fundamentally widely spoken, but opposed to those minority languages within Ukraine such as Hungarian and Romanian in particular, but also to a lesser extent Albanian, Bulgarian, Yiddish and others (State Statistics Committee of Ukraine 2001). The fundamental difference is the volume of speakers is small. In 2010, national minorities who spoke their own or another minority-ethnic language were less than 3% of the population (Csernicskó 2013), although, in certain areas such as Zakarpattia, Hungarian speakers comprise 12% of the population approximately (Huszti et al. 2019). If Ukrainian is promoted at the expense of their language, it can reasonably be judged to be illiberal to some extent, depending upon the context. The Ukrainian context of postcolonial change

makes the situation more complicated when it comes to the former colonial language of Russian. While the rights of Russian speakers must be respected, so too must the rights of Ukrainian speakers and, as such, the promotion of Ukrainian is justifiably liberal within certain parameters.

However, a liberal state cannot single out one forbidden language and other acceptable ones. This approach would not be just towards that language and its speakers, meaning, there is a conflict between promoting Ukrainian at the expense of Russian linguistic influence, understandably perceived as a colonial hangover, and protecting the freedoms of minority-language speakers. This is not to downplay the significance of Russian speakers within Ukraine, nor that they have rights to speak their own language. However, Russian speakers effectively have considerable advantages due to the dominance of their language, a prestige for much of Ukraine's history over Ukrainian itself, and similarity to Ukrainian, a fellow Slavic language, unlike Romanian and Hungarian.

With the postcolonial context in mind, as well as the context of linguistic minorities who may feel unjustly coerced as a result of Ukraine's efforts to promote its language, we can categorise liberalism and illiberalism as follows: liberal policies are those that are respectful of individual preferences to speak within their own language, and illiberal policies are those that coerce individuals on the basis of their language or deny them particular services or goods. The most liberal stance will recognise and accommodate minority languages, whereas illiberal policies will forbid or limit the ability to use minority languages. Liberal positions can, and do, promote national languages, *especially* in the postcolonial context; however, to be considered liberal, there must be some attempt to ensure that the minority-language speakers are not unjustly coerced or denied the means to access goods and services. However, we can identify due to the postcolonial context, that policies in other nations, such as former imperial powers, that may be considered illiberal, do not necessarily have the same issue, or at least to the same extent, within the Ukrainian, or any postcolonial, context. It is crucial to understand that the liberality of a law or policy is not equal to normative desirability, as our goal is to categorise policies and laws at this stage.

The language situation until EuroMaidan

While this article focuses on the period from 2002 to 2022, it is essential to consider the historical context of Ukraine, which was part of both the Russian Empire and the Soviet Union. Such a context is important in the post-Soviet space where, despite debates taking place over whether the post-Soviet space is a postcolonial space (Spivak et al. 2006; Tlostanova 2012), even sometimes being mentioned in relation to language policy (Dave 1996; Catedral 2017), viewing the situation through a scholarly lens of decolonisation is yet to truly take hold. It is also important in other parts of the decolonising world where issues such as resisting linguistic domination and engaging in language maintenance, attempts at language decolonisation, difficult politico-economic contexts, and indigenous resistance to language decolonisation are present (Agyekum 2018).

The linguistic situation in Ukraine is complex and often oversimplified as a Russian-speaking east and a Ukrainian-speaking west. While the main two languages

are Ukrainian and Russian, both of which are widely spoken, the situation and diversity is not as binary as often presumed. It is generally documented that ethnic Russians are more likely to speak Russian and ethnic Ukrainians to speak Ukrainian (Bureiko and Moga 2019). However, this distinction between ethnicities is questionable as those who claim either ethnicity seem to vary, indicating it is more an identity rather than a fixed racial characteristic (Kulyk 2019). Additionally, it is a well-known, if seldom documented fact, that many if not most Ukrainians understand both languages and often speak both in a (particular perception of) Ukrainian–Russian language mixture called *Surzhyk* (Bilaniuk 2004). The aforementioned minority groups must also be taken into account in any discussion regarding language. Evidently, there is a need for sensitivity towards the full range of linguistic groups, but also a need to foster a sense of unity within this disparate range of languages.

Until the mid-2000s, Ukraine's language policy largely followed steps taken towards the end of the Soviet Union when Ukrainian had been given state language status on 28 October 1989, as the "Law on Languages in the Ukrainian SSR" was passed by the still-Communist Parliament (Verkhovna Rada) a full two years before the demise of the USSR (Azhniuk 2017). The 1996 Constitution also declared that "the state language of Ukraine is the Ukrainian language. The State ensures the comprehensive development and functioning of the Ukrainian language in all spheres of social life throughout the entire territory of Ukraine". Nonetheless, it continued to say that "in Ukraine, the free development, use and protection of Russian, and other languages of national minorities of Ukraine, is guaranteed" (Azhniuk 2017).

Then, in the mid-2000s, there was a marked expansion of the social position of the Ukrainian language in a number of areas, especially in those regulated by the state, mostly thanks to the state policy supporting the Ukrainian language. Nevertheless, concurrently it was also visible that the Russian language was preserved in business, sports, mass media, culture, fiction and in everyday life (Taranenko 2007). The continued popularity of Russian in such areas was often considered a problem for nation building in independent Ukraine. December 2007 saw the Constitutional Court of Ukraine find that from 2008 all foreign-language movies shown in the country were to be translated into Ukrainian via dubbing, subtitles or synchronous translation (Pavlenko 2008). Given that this would include Russian, spoken by 30% and understood by the remaining part of the population, this was taken by some as an illiberal move to deprive consumers of free choice and impinge on the rights of Russian speakers (Pavlenko 2008).

The tide shifted when in August 2012 the law "on the Principles of State Language Policy in Ukraine", which sought to expand the sphere of use of the Russian language, came into force (Azhniuk 2017). Central was the term "regional or minority language", which was taken from the European Charter for Regional or Minority Languages. The term served to provide Russian with semi-official status in around half of Ukrainian regions and prevent the expansion of the Ukrainian language into civil service, the justice system, education, mass media, culture, entertainment and other areas (Azhniuk 2017). The reliance on language from the European Charter for Regional or Minority Languages provided some legitimacy but also signalled that the supremacy of Ukrainian was more ambiguous than it had been.

Kulyk (2015) found the shift toward Russian had ended, partly due to there being a generation born after the breakup of the USSR and to the population's response

to the Ukrainianization course under President Yushchenko. However, respondents were found to be more proficient not only in Ukrainian but also in Russian, this was largely due to the dominance of Russian, on the internet for example, and despite predominantly Ukrainian-language education (Kulyk 2015).

On the eve of EuroMaidan (Revolution of Dignity), although Ukrainian was prominent, the popularity of Russian proved to be difficult to erode. Nevertheless, despite the somewhat uneasy coexistence of the two languages, the issues of politics, identity and language were not necessarily interrelated to the extent that some may have presumed. However, following the events of EuroMaidan, the Ukrainian language became more attached to the Ukrainian identity (Kulyk 2016). On the other hand, it has been inaccurately assumed that only Ukrainian speakers feel an affinity to the Ukrainian identity, as in most regions, aside from the Donbas, the Ukrainian identity was found to be most prominent compared to other multinational or regional identities (Kulyk 2016). The Russian language is often seen as convenient, and not attached to the identity or patriotism of the speaker (Kulyk 2018), even if there had been some push to speak more Ukrainian than Russian (Nedashkivska 2021). The events of EuroMaidan, and the Russian reaction to them, saw political, geopolitical and societal realignments. Naturally, the area of language policy was not left untouched.

Policies since EuroMaidan

Having outlined the broad fluctuations in language policy up until EuroMaidan, the focus shifts to post-revolution developments. Three main areas of language policy are considered, namely: education, businesses and media. These are the main areas which the 2019 bill 5670-d, "On provision of the functioning of the Ukrainian language as the state language", were intended to regulate (Sukhov 2019). Each shows an array of liberal and illiberal policies. Once these policy areas have been discussed, the relationship between Ukrainian language laws and liberalism is reflected upon.

Education

The importance of educational policy has been noted in the nation building of post-Soviet Ukraine (Janmaat 2000). However, unlike some other post-Soviet countries, notably Kazakhstan, which followed a top-down approach, Ukraine pursued a more bottom-up approach to trilingualism (Ukrainian, Russian and English) (Karabassova 2018). Conversely, the language policy of the Ukrainian government has become a target of criticism, not just from Russian language media to Putin himself (Paromniy 2017; Putin 2021; Zakvasin and Komarova 2021), but also from Hungary (Jozwiak 2018), as well as Romania (Luca 2018). Russia even requested the ECHR to recognise the "ban" on the Russian language in Ukraine as discrimination, specifically citing the example of education (TASS 2021).

Education in Ukraine must be undertaken in Ukrainian after the primary level, according to a law passed in 2017, amending the Ukrainian constitution (Pidkuimukha 2020). Minority languages can be used for early-level education, and EU languages

or English can be used for higher education (Ministry of Education and science of Ukraine 2018). This, therefore, excludes minority languages from higher education. It is important to note that there is a disconnect between what is mandated, what really occurs in the classroom and what language the students predominantly speak. While education in Ukrainian has not necessarily been strictly enforced, Ukrainian proficiency has generally been increasing, and the flexibility is potentially a way to better encourage Ukrainian proficiency (Polese 2010). Legally, though, the law demands the national language take priority.

There has been controversy, particularly regarding the Hungarian-speaking minority in parts of the Zakarpattia region of Ukraine. Located near the border with Hungary, this region has many dual-nationality citizens and Hungarian speakers. Kulyk (2013) found that the authorities became impatient with these minorities' limited proficiency in the state language. The policy to rectify this did not extend beyond a language test for school graduates, putting the Hungarian youth at a strong disadvantage in access to higher education (Kulyk 2013). The situation of the Crimean Tatars was even more unfavourable, although for historic reasons; nevertheless, the recommendation for both groups was the introduction of bilingual schooling (Kulyk 2013).

The issue of the Hungarian citizens has raised particular concerns. Hungary complained regarding the language law, as well as undermining their status, and claimed they would block NATO accession for Ukraine on these grounds (Jozwiak 2018). Romania also had concerns regarding the policy on account of their respective minorities in Ukraine (Luca 2018). Primary education can remain in minority languages, but some secondary schools take a bilingual approach, but the requirement for the use of Ukrainian is higher at secondary level (Varosh 2020). The Russian government has also expressed grievances towards this policy (RF MFA 2020), although this criticism was in turn criticised (Ilko Kucheriv 2020).

The educational policy may appear to be a continuation of the mix of liberal and illiberal policies described by Fesenko. It is liberal in that primary education can be conducted in other languages, ensuring the protection of the minority status. However, the secondary conduction in Ukrainian may be reasonably claimed as illiberal, as it enforces a language onto students, restricting their freedom of choice. This could be analogous to Barry's concern about forcing Welsh upon non-Welsh-speaking students (Barry 2002, pp. 106–107). Conversely, it could also be said to be a method of ensuring a national language, as Stilz claims with Icelandic being the national language, despite a reasonable degree of citizens not speaking Icelandic as their first tongue (Stilz 2009). It could also be reasonably claimed at least some linguistic regulations ensure proficiency of minorities and that they can access all aspects of the state, and prevent segregation of different linguistic groups.

The policy in and of itself is neither considerably liberal nor illiberal. It can be understood as either. The illiberal nature depends entirely on how the policy is interpreted. For example, if the schools were to ensure that students could communicate in their first language, learn a sufficient degree of Ukrainian, and have a percentage of lessons in Ukrainian, this could be considered a liberal policy. If the state is enforcing non-Ukrainian speakers to not communicate remotely in their first language and forbids any communication, then it would be seen as illiberal. The issue is there is

not enough reliable data at this stage to assess how this policy is being implemented in the classrooms and schools. The fact it can be interpreted and enforced illiberally or liberally is an indicator of an insufficiently explicit liberal policy.

Businesses

As previously noted, business was one of the main areas that was intended to be regulated by language laws. Groups, such as the U.S. Ukraine Business Council, paid close attention to the law and how it may affect businesses in Ukraine (Vorozhbyt and Sverdlov 2019). Indeed, the scope and potential of the law to affect business was large with websites and web pages in social networks; advertising and other sales materials; information about goods and services; provision of services; computer program interfaces; book publishing and book distribution; and, printed mass-media all set to be affected (Tertychnyi and Chernoshtan 2019). Some of these aspects will be discussed in more detail in the following section, which is focused more specifically on the media. However, there can be no doubt that language laws were incredibly important for businesses in Ukraine.

In 2020, a new provision to the law "On Ensuring the Functioning of Ukrainian Language as a State Language" entered into force, requiring all business to be conducted primarily in Ukrainian (Sorokin 2021), with a hotline established to report businesses not making reasonable adjustments to speak Ukrainian, for example, premises conducting business in another language, and not switching to Ukrainian upon request. Businesses took notable steps, for example, in Lviv a McDonald's restaurant removed the Russian language from the automated ordering system (RFE/RL 2020).

Ukraine's constitution does protect minority languages (Constitution 1996), and the government intended to implement regulations to help protect minorities' legal status and culture (Zelenskyy 2021). Although some have criticised the recent laws as violating their status (UAWire 2019), theoretically, they were protected and multilingualism allowed, according to the defenders of the laws (Kudriavtseva 2019). One example of a region where languages can be used simultaneously in business is the Berehove district of Zakarpattia, which has had problems with Ukrainian literacy and a strong Hungarian minority presence (Skibitska 2017), as a result, the region has been less enthusiastic in enforcing language laws. In this region, both Hungarian and Ukrainian are used on advertisements, business names, and inside, for example on menus and shop signs, although Ukrainian is still widely spoken on request (Kohutych 2021). The law to ensure Ukrainian is the primary language does not bar the provision of business information in any other language, as "information in the state language may be duplicated in other languages" (State Language Protection Commissioner 2021), and Berehove is such an example of two languages coexisting (Kohutych 2021).

The specific language policy again can be interpreted differently, depending upon the interpretation of civic nationalism it can be said to be liberal or not. If one takes Barry's (2002) civic nationalist but liberal view, then it can be said to be ensuring a national language and neutrality. However, one can criticise the view that there is not enough flexibility regarding conducting affairs in a minority language if the view of

liberal pluralists or civic nationalists such as Kymlicka and Opalski (2002b), Fesenko (2002) or Stilz (2009), is taken. Persons are being compelled to speak in another language, which may render their language capacity and reproduction diminished. However, examples such as Berehove illustrate a liberal interpretation of this law, in that while Ukrainian is primary, to ensure unity and integration, it allows for the conducting of business in a minority language alongside the national language, as multilingualism, alongside a national language, is a liberal pluralist position, and civic nationalist position (Stilz 2009). If the law allows for the provision of business in multiple languages, it is a liberal policy. On the other hand, that it can be a crime to provide language in another language first is an illiberal one, as it may create the impression for minority speakers that they are being penalised. Instances such as in Lviv of allegedly not providing any means of communication to Russian-speaking customers is an example of this (RFE/RL 2020). Crucially, though, it appears that businesses are the ones who take such a decision, as the law itself is not sufficiently clear. This touches on a broader debate as to whether liberal rights should prioritise property owners or customers. This cannot be addressed here; however, it can offer an interesting example to discuss this issue.

Media

Media has been a tool of nation building in the West (Norman 1999, pp. 59–63), and there is no reason for it to be different in Ukraine, as well as playing a major role in the accessing of information. Media represents one of the key areas that language laws have sought to regulate and there is, inevitably, considerable overlap between business and media. However, the following clearly concern the media: the law prohibiting broadcasting Russian films produced after 2014; quotas to make 35% of songs and 60% of programmes on radio in Ukrainian; state support of cinematography and subsidizing of film production; the restriction of the import of books from Russia; and the obligation of national TV channels to broadcast a minimum 75% of content in Ukrainian (Nikitina 2020, p. 186). Moreover, a presidential decree saw the social networks VK, Odnoklassniki and other Russian websites blocked within the territory of Ukraine (Nikitina 2020, p. 186). All advertising on TV, radio and in print was required to be in the Ukrainian language, also (IMI 2020).

The quotas produced quite remarkable results with year-on-year growth in terms of Ukrainian songs on the radio (42% in 2017, 61% in 2018, and 57% in 2019), by 2018 89% of TV was in Ukrainian and the number of Ukrainian films achieving cinema releases grew, as did the stock of Ukrainian-speaking actors (Nikitina 2020, p. 187). Any Russian-language programming on TV required Ukrainian subtitles, while any TV programmes regarded as Russian propaganda received a ban (BBC News 2017). The situation regarding print media was legislated as follows: from the 16th of January 2022 for state or regional mass media and the 16th of July 2024 for local mass media, all printed mass media in Ukraine was required to be published in Ukrainian. However, it was permissible to publish in other languages if, on the day of publication, a Ukrainian version was also published (Tertychnyi and Chernoshtan 2019). From the 16th of July 2021, not less than half of the titles of books published by a publisher during a year were to be in Ukrainian; furthermore, not less than half

of the books distributed by bookstores were required to be Ukrainian (Tertychnyi and Chernoshtan 2019).

In terms of whether this can be said to be liberal or illiberal, it is a mix. Again, it is possible to assess how liberal it is in accordance with Opalski and Fesenko's understanding, in that measures that allow for a range of languages are more liberal and those that coerce minority speakers are less liberal (Fesenko 2002; Kymlicka and Opalski 2002b). Measures, such as requiring subtitles, which do not prevent the use of languages other than Ukrainian can be said to be somewhat liberal pluralist. The same can be said for subsidising production and the presence of some quotas to guarantee the use of Ukrainian, as it is not inherently illiberal, since it merely ensures a national language becomes normalised and popular in media, which helps develop a national identity. This promotion of a national identity is not inherently liberal or illiberal, especially in the context of decolonisation, as it can be liberal if it incorporates a civic nationalist over an ethnic nationalist character, a common liberal position (Habermas 2005; Stilz 2009), although it could be less liberal on the reverse grounds. Prohibiting content on the grounds of language, however, is an illiberal approach. However, the issue of language versus country of origin can make this issue more opaque. Additionally, strictly regulating written content is also illiberal, as it coerces minority-speaker creators into personally translating or paying for translators when not creating content in the national language. This may prove to be exclusionary for certain groups, who may not be able to create content, or result in them publishing outside of Ukraine. However, if the state were to help writers and others ensure that their work could be translated, it could be more liberal. Overall, a mix of liberal and illiberal policy can be seen in the media context.

Ukraine and language: liberal or illiberal?

With the categorisation in mind of liberal pluralist, liberal orthodox and illiberal, the postcolonial context of Ukraine, and an assessment of the various policies that have been implemented up to February 2022, it is possible to draw some conclusions on the liberality of these policies and the state of linguistic freedom and justice in Ukraine. Perhaps unsurprisingly, Ukraine has continued to adopt a mix of approaches of liberal pluralist, orthodox liberal and illiberal. These understandings are now further outlined.

Pluralist policies are those ensuring that minority languages can be utilised for primary education, giving them protected status, and allowing for the multi-use of languages in business transactions. This approach allows for the use of minority languages alongside a national language. The reasonable concern with such policies is that they may struggle to promote a national language, however, this is not the case. Pluralism ensures proficiency in the national language, to prevent sectarianism, while protecting minority status languages. When minority-language speakers are not sufficiently able to use the national language, it may lead to further divides within a society, and make it difficult to liberalise a nation with national culture, or foster any consensus within society.

The orthodox liberal approach can be seen in the enforcement of a national Ukrainian language in secondary teaching and higher education, as well as elsewhere,

such as in government documents and other matters. This is an orthodox liberal approach, as the logic is that the use of alternate languages to Ukrainian is acceptable, so long as it is in the private sphere. As these languages have legal protection, they are allowed and encouraged; theoretically, at least, this policy is not illiberal. However, it is not a pluralist approach as it does not allow for the use of language in secondary education and state-related matters, thus it is leaving the issue of minority languages to the private sphere, not the public one. On one level, this can help secure a national language and coherent national identity built around said language; nevertheless, this approach may lead to further alienation of minority groups. For comparison, Estonia has both Estonian language schools and Russian ones, and until recent policies to encourage Estonian-speaking teachers at Russian schools (The Baltic Times 2021), as of 2015 around 60% of Russian-speaking students would not go to Estonian school at any stage in their education (Kemppainen et al. 2015), leading to a divide. While Ukraine does not have state secondary schools in other languages, Estonia's approach indicates that it is difficult to integrate without some accommodation.

The illiberal approach can arguably be seen in policy regarding business. Ensuring that customers can access goods in a particular language is not inherently illiberal, as it can be seen as protection of the rights of customers. However, the fact that enforcing a language comes with the threat of legal punishment is illiberal. This is because the state is using its political power in a way to punish the use of alternate languages, which are spoken by citizens, rather than a soft encouragement that is more prominent in liberal approaches. While it remains to be seen how enforced this policy actually is, as it may be that the lack of enforcement is an intentional approach to avoid accusations of illiberalism, the fact that the law on paper is an illiberal one, indicates an issue for Ukraine. If this policy was interpreted nationwide as in Berehove, or permitted to be at least, businesses could be conducted in any language, so long as Ukrainian is the default or alongside the minority language(s). This would be a step toward liberalisation within the business sphere.

It is important to remember the context in which Ukraine has implemented these policies. As discussed, Ukraine's language has generally been oppressed for much of its history, and the promotion of it as the national language does not carry the weight of illiberalism that promoting a dominant language would do. If the decolonial aspect is considered, the charges of illiberalism and the issues surrounding orthodox liberalism are somewhat reduced. The state has a keen interest in promoting a national language as a matter of survival of language and culture, and fostering solidarity among different linguistic groups within Ukraine who have been victims of imperialism over much of history. Nonetheless, for those minority-language speakers, there may still be issues of a sense of coercion and an inability to access goods or services, including state ones, due to a language barrier. This can be best remedied by continuing the education of Ukrainian to minorities, with respect for their own language. It would not be necessary to abolish any notion of promoting the Ukrainian language in any field nor have language requirements at all. Rather, some pluralistic aspects may be necessary to better solidify the use of Ukrainian.

Furthermore, considering the fact Russia invaded the country in 2014, leading to increased security concerns, the state accepting liberal interpretations of the law is commendable. The situation with linguistic freedoms must be considered within the

context that Ukraine is a state at war. Although it is important to note that Russian speakers have bravely and patriotically served their country, with no signs of language dictating the level of patriotism, national identity or willingness to serve. Nevertheless, after the war, due to the actions of Russia, Ukrainian may be voluntarily spoken more at all levels, placing the discussion into a different context. The ability and limits of a state to be liberal in times of war is something that must be further examined and discussed.

As a result, since 2002 when *Can Liberalism Be Exported?* was published, Ukraine has continued to mix liberal and illiberal policy. However, it is important to consider the context of Ukraine as a country undergoing a decolonialisation process and that it is a country at war. The analysis of the policies must be understood within this context. The Ukrainian language has become more prominent since 2002 and its use is more enforced, which is a positive in this context, to bolster solidarity, arguably fostering a common language in which liberal values can be promoted due to creating a shared political culture. However, it cannot be ignored that minority groups have felt less able to engage in day-to-day life in their language, and a degree of pluralism must be ensured, not just to be liberal or to better ensure that Ukraine is likely to enter the EU, rather to better facilitate the growth of the Ukrainian language. What needs considering are future trajectories. These directions are discussed now.

Future trajectories

As Ukraine seems increasingly certain to emerge victorious from the full-scale war of aggression launched by Russia, the importance of decisions made in the post-war era cannot be overstated. The array of policy directions available to Ukraine will have never been broader.

Liberal

Having fought a deeply illiberal opponent and emerged victorious; now able to fully close the book on its Russian Empire and Soviet past, Ukraine may enter a new liberal era. Achieving candidate status for the European Union on 23 June 2022 could prove to be a pivotal moment (European Council of the European Union 2022). While the EU has often struggled to influence those who are already members, the example of Slovakia shows that before gaining membership nations are sometimes influenced to move in a more liberal policy direction, especially relevant for this article—in the area of minorities and language.

The issue of language may be less pronounced after the war, given the willingness of those not speaking the national language to pick up weapons and defend the nation and national idea. Having expected to be welcomed by Russian-speaking Ukrainians, the fact that the main backbone of the Ukrainian forces in the Donbas region was comprised of Russian speakers and residents of Ukraine's Russian-speaking region shocked the Russian side (Lemon 2022). It is not difficult to envisage a modern foundational myth of Ukrainians of every stripe coming together to defend Ukraine and protect independence. Furthermore, the war may cause Russian speakers to switch to Ukrainian, a process that has been noted to already be occurring (Gormezano 2022). As such liberalism may be victorious for any and all of these reasons.

Illiberal

War, particularly of the kind Ukraine has just endured, is a deeply scarring experience and the result may be an illiberal turn, at least in the sphere of language policy. Statements, such as that by Secretary of the National Security and Defence Council, Oleksiy Danilov, which suggested that "the Russian language must disappear from the Ukrainian space" (Danylenko 2022), certainly do not suggest a liberal path. Nor does the fining of Kharkiv mayor Ihor Terekhov for using the Russian language (The New Voice of Ukraine 2022). The mainstream acceptance of previously side-lined political forces, such as the rumoured-to-be-reformed Azov, may also create difficulties in following a liberal path.

An illiberal policy direction comes with the associated risks of jeopardising western integration and running afoul of domestic and international law. Even prior to EuroMaidan and the latest round of language laws, some had highlighted that Ukraine must work within the Framework Convention on Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (the Languages Charter), for example, (Bowring 2011). As previously noted, illiberal language policies may well jeopardise Ukraine's entry into international organisations, such as the EU and NATO. However, this very much does not have to come to pass.

Mixed

Perhaps the most likely scenario is that Ukraine continues its mixed approach, less because of its desirability, but more because of the nature of democratic systems and their constant need to find compromise. This is more attractive than a fully illiberal approach, as it does allow for some pluralism and may better facilitate integration, however, it can still pose difficulties with regard to its future integration aspirations and general stability. This mixed approach does not sufficiently render Ukraine's policies as liberal or justifiable to a range of different groups, as many will object to state coercion in the personal sphere of life and their interest in ensuring their language and culture can continue. This does not mean that to be liberal the state must not attempt to ensure some regulations are applied, as some are reasonable and acceptable to minorities and will facilitate integration, but it does mean that there needs to be some better considerations of minority rights claims.

The next steps

If Ukraine seeks to adopt a more liberal approach, which would be in its interest, in order to appease their minority groups and the Ukrainian reputation in the respective nations of their native language such as Hungary and Romania, then there is an inherent requirement to consider ways to better protect the minority languages. However, the need to promote the Ukrainian language, especially within the postcolonial context, cannot be discounted. Nonetheless, some modifications are necessary, especially if Ukraine wishes to achieve EU ascension.

Conceptualising the languages of Ukraine as a positive would be a potential positive of liberalisation. For example, allowing limited use of multiple languages in secondary education and business, while still overall promoting Ukrainian rather than punishing people who use alternatives would be a potential method of a liberal approach which aims to encourage Ukrainian. Perhaps, there could be a system of percentage of classes in each minority language, or permitting businesses to use two languages in certain regions. This could be delegated as a choice for each *oblast* (region) or even the *raion* (district), based on the linguistic makeup of the district.

While encouraging Ukrainian proficiency is important, the reality of the prevalence of Russian speakers might be more sensitively considered, especially after the united resistance to the Russian invasion. This is the case for two broad reasons: Ukrainian identity does not have an intrinsic relation to language and a gentler approach might well produce better results. There are multiple approaches that could be considered. Kamusella argued that a State Institute of Ukrainian Russian needs to be established as a matter of urgency, stating that not doing so allows Moscow to claim the sole right to control the Russian language across the entire world (Kamusella 2019). Instead, the author argues, Ukraine should attempt to detangle the global language of Russian from the Kremlin and counter any attempt at ethnolinguistic nationalism by recognising the state-specific varieties of Russian (Kamusella 2019). This could be a liberal Russian-speaking alternative to the illiberal version promoted by Russia could allow for the attraction of migrants from across the Russian-speaking area and greatly bolster the country. Of course, this is not without its own challenges, and to ensure linguistic unity, there would need to be requirements for new arrivals to learn Ukrainian and be able to use the language.

Other approaches could be to gently encourage Ukrainian in business and other activities, while simultaneously removing financial punishment for those who cannot switch, providing more adult education for the Ukrainian language, and to permit minorities, and indeed Russian speakers, to speak their language more freely would allow the state to more greatly adhere to liberalism. Ultimately, this will require much deliberation within the Ukrainian state; however, no one language can be singled out as more or less permissible to adhere to a fair and neutral state, and the concessions to minority languages may have to apply to the Russian language. Simultaneously, if Ukraine would *prefer* to adopt a more liberal orthodox approach, it may continue to promote Ukrainian and provide fewer concessions to minority languages and Russian; however, this will have negative effects on its EU membership bid. There will be constant balancing and it will likely be an issue for the foreseeable future.

Ukraine has inconsistently enforced its language policies to avoid internal conflicts (Polese 2011). However, others note that real achievable language policies need to be implemented to better create stability (Csernicskó and Fedinec 2016). Some, particular proponents of the Ukrainian language, say that an effective language policy cannot be achieved merely by applying models from other nations, as Ukraine is in a unique situation due to its historical occupation (Shyshkin 2013, pp. 229–230). While Ukraine wants to promote Ukrainisation over Russification, which is a reasonable endeavour to foster civic solidarity in light of an existential conflict, arguably, this approach cannot deliver true stability if it is at the expense of minorities. As many have increasingly adopted a Ukrainian identity, which is not synonymous with language, it is reasonable to gently promote an inclusive Ukrainian identity, and liberally

promote the national language, as well as to accept the reality that people do speak other languages. However, far too often the language policies have focused merely on Russian and Ukrainian speakers, promoting one over another, and the majority of the illiberal policies have been at the expense of minorities beyond these two groups (Csernicskó and Laihonen 2016). In addition, the concerns regarding the languages are frequently tied to a threat to the Ukrainian language itself, as there is a lack of compromise (Zaremba and Rymarenko 2008, p. 276), and aggressive enforcement may damage any progress in the encouragement of the Ukrainian language.

Conclusion

This article has examined the language policies of Ukraine employing a framework of liberalism, considering a twenty-year period from the 2002 publication of *Can Liberal Pluralism Be Exported?* until the full-scale Russian invasion of Ukraine in 2022. The research question was whether the language policies of Ukraine in the selected period may be considered liberal, illiberal or a mix of liberal and illiberal; with the article focusing on three main areas of language policy: education, business and media. However, normative judgements were avoided, with the focus squarely on updating the analysis of empirical evidence through the framework of liberalism. Evidence has been found for each, showing an array of liberal and illiberal policies. We considered future trajectories for Ukraine and what may be desirable in terms of linguistic policy for Ukraine.

Much occurred in the timeframe this article focuses on, and yet the situation in Ukraine remains somewhat similar to 2002, in that a mix of liberal and illiberal policies continues to be at play. Furthermore, the shadow of Russia and how it affects Ukrainian identity, policy and politics remain salient. That being said, there have been considerable changes in Ukraine, not least the Orange Revolution and Euro-Maidan. Since the latter revolution and subsequent Russian aggression, significant changes have been made to the language laws of Ukraine, especially in the areas of education, business and media. Having made sweeping changes, positive results for the Ukrainian language were noted, but concerns over the potentially illiberal nature of some of these changes remained a significant issue.

Ukraine promoted policies that can be seen as combining liberal pluralism, orthodox liberalism and illiberalism, often motivated by a sort of civic nationalism, which is particularly relevant to a postcolonial nation. It can be seen as adopting some aspects of liberal pluralism in its policies by protecting minority status in the constitution, allowing the simultaneous use of multiple languages in business in certain regions, and, in certain instances, gently encouraging the use of Ukrainian in the public sphere. However, an inconsistent, non-pluralist approach is also evident in other policies, such as forbidding secondary education from being instructed in languages other than Ukrainian or restricting the creation of creative content. While generally, the intention was to create a linguistic connection between people, based on civic nationalist intentions, rather than to enforce ethnic nationalism, it can be understood to be enforcing illiberal polices by attempting to coerce behaviour. This illustrates that illiberal policy can have civic nationalist motivations, as can liberal policy, and that Ukraine has a truly mixed approach.

An inescapable fact influencing the mixed approach taken is the historic and present context of Ukraine's struggle for independence from Russia. The fundamental challenge that Ukraine faces is balancing the demands of postcolonial nation building, alongside the need to ensure sufficient liberality towards minority languages, especially as its potential ascension towards Europe draws closer. Decisions, at all levels, must consider this divide, and attempt to find suitable compromises between all parties that are acceptable while ensuring a coherent and unified political and civic culture. Otherwise, Ukraine risks instability or a failure to achieve EU membership. Rectifying the illiberal deficiencies, however reasonably motivated, requires a sensitivity both to pluralism *and* nation building, although doing so will be considerably difficult and require deliberation. If the West wishes to find ways to export liberal policies regarding language and address matters of linguistic injustice, Ukraine offers a case of how liberalism and pluralism can offer promising solutions toward justice, and the risks of failing to adhere to these concepts. However, the postcolonial context cannot be ignored, meaning, some policies which could be perceived as illiberal in former colonial nations are more compatible with liberalism in Ukraine's context to uphold the principle of self-determination, although they must still adhere to core commitments to basic rights and freedoms.

Declarations

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